

STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION
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**PETITION OF VALLEY RURAL
UTILITY COMPANY FOR A
CERTIFICATE OF TERRITORIAL
AUTHORITY TO RENDER
RURAL SEWAGE SERVICE
IN ADDITIONAL AREAS OF
DEARBORN COUNTY, INDIANA**

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CAUSE NO. 42673

FILED

MAR 17 2005

INDIANA UTILITY
REGULATORY COMMISSION

You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission") has caused the following entry to be made:

On June 17, 2004, Valley Rural Utility Company ("VRUC") filed its Petition in this matter seeking expansion of its authorized service area in Dearborn County for the provision of sewer service. On August 27, 2004, the City of Greendale ("Greendale") filed its *Petition to Intervene*, which Petition was granted by docket entry on August 30, 2004.

Additional cross-filings occurred between Greendale and VRUC, ultimately leading to a filing in Dearborn Circuit Court by VRUC challenging Greendale's participation in this matter on a number of grounds. On February 15, 2005, the Dearborn Circuit Court found that Greendale was subject to a contractual provision prohibiting it to intervene prior to September 10, 2004. However, the matter of whether or not the intervention of Greendale should be allowed after September 10, 2004, was a matter for this Commission to determine.

On February 18, 2005, Greendale filed its *Motion of Greendale to Amend Effective Date of Entry Granting Intervention or in the Alternative to Renew the City's Petition to Intervene and For Leave to Introduce Pre-Filed Testimony*. On February 24, 2005, VRUC filed *Petitioner's Response to Motion to Amend Effective Date of Entry Granting Intervention or in the Alternative to Renew the City's Petition to Intervene and For Leave to Introduce Pre-Filed Testimony*, in which VRUC opposed the requested relief by Greendale. On March 4, 2005, Greendale filed its *Reply to Valley Rural Utility Company's Response to the City's Motion Response to Motion to Amend Effective Date of Entry Granting Intervention or for Alternative Relief*.

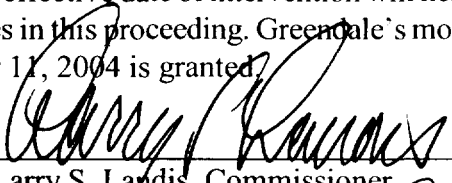
The Presiding Officers, having read Greendale and VRUC's Motions and being duly advised in the premises, hereby find as follows:

The Dearborn Circuit Court held that Greendale had met its burden of proof regarding its right to intervene, and but for the contractual provision as between the parties, would have had an absolute right to do so at the time intervention was originally granted in this matter. The Court also held that the provision limiting Greendale's participation was not in effect after September 10, 2004, and that it was up to the Commission to determine Greendale's right to intervene after that time.

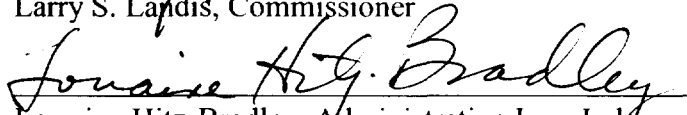
As all parties have proceeded on the basis of Greendale's apparent intervention in this cause to this point, we hereby find that amending the effective date of intervention will neither cause undue delay or an unexpected broadening of the issues in this proceeding. Greendale's motion to amend the effective date of its intervention to September 11, 2004 is granted.

IT IS SO ORDERED.

Date March 17, 2005



Larry S. Landis, Commissioner



Lorraine Hitz-Bradley, Administrative Law Judge